

**SENATE JOURNAL  
66TH LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 28, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Webber. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 1/28/2019  
Correctly printed: **SB 22, SB 37, SB 77, SB 83, SB 87, SB 173, SB 174, SB 175, SB 176, SB 178, SB 179, SR 13, SR 14, SR 15, HB 60.**  
Examined by the sponsor and found to be correct: **SR 1, SR 2, SR 3.**  
Transmitted to the House: **SB 10, SB 50, SB 54, SB 74, SJ 1.**

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 1/25/2019

**HB 61**, introduced by D. Bedey  
**HB 71**, introduced by K. Dudik  
**HB 156**, introduced by J. Dooling

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 181**, introduced by J. Gross, referred to Judiciary.  
**SB 183**, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.  
**SB 184**, introduced by R. Webb, referred to Judiciary.

The following Senate bills were introduced and read first time:

**SB 182**, introduced by K. Bogner, M. Cuffe, B. Gillespie.  
**SB 185**, introduced by M. Phillips.  
**SB 186**, introduced by M. Phillips.  
**SB 187**, introduced by M. Phillips.

The following Senate bill, previously introduced, was referred to committee:

**SB 180**, introduced by J. Pomnichowski, referred to State Administration.

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The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJ 6**, introduced by M. Cuffe, F. Anderson, D. Ankney, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, B. Brown, D. Brown, T. Burnett, E. Buttrey, G. Custer, G. DeVries, A. Doane, J. Dooling, D. Dunn, N. Duram, J. Ellsworth, J. Esp, R. Fitzgerald, S. Fitzpatrick, F. Fleming, J. Fuller, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, B. Grubbs, S. Gunderson, B. Hamlett, G. Hertz, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, L. Jones, D. Kary, J. Kassmier, J. Keane, B. Keenan, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, F. Moore, T. Moore, M. Noland, A. Olszewski, R. Osmundson, J. Read, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, S. Sales, W. Sales, D. Salomon, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, P. Webb, R. Webb, J. Welborn, T. Welch, K. White, D. Zolnikov, referred to Fish and Game.

The following Senate joint resolution was introduced and read first time:

**SJ 7**, introduced by M. Phillips.

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 16**, introduced by D. Salomon, referred to Education and Cultural Resources.

**SR 17**, introduced by D. Salomon, referred to Education and Cultural Resources.

**SR 18**, introduced by D. Salomon, referred to Education and Cultural Resources.

**SR 19**, introduced by D. Salomon, referred to Education and Cultural Resources.

**SR 20**, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

**HB 61**, introduced by D. Bedey, B. Mercer, referred to Education and Cultural Resources.

**HB 71**, introduced by K. Dudik (by request of the Department of Justice), referred to Finance and Claims.

**HB 156**, introduced by J. Dooling, B. Brown, B. Grubbs, D. Loge, J. Read, W. Sales, M. Sweeney, G. Vuckovich, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 32** - Senator Sesso moved **SB 32** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 40

Nays: Blasdel, Ellsworth, Esp, Hinebauch, Howard, Keenan, Mr President, Regier, Vance.  
Total 9

Paired: None.

Excused: Fielder.  
Total 1

Absent or not voting: None.  
Total 0

Senator Flowers excused at this time.

**SB 58** - Senator Salomon moved **SB 58** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Fielder.  
Total 1

Absent or not voting: None.  
Total 0

Senator Flowers present at this time. Vote totals for **SB 58** include action taken by Senator Flowers under Order of Business 9, Motions.

**SB 94** - Senator Gauthier moved **SB 94** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 29** - Senator Thomas moved **SB 29** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Webber, Welborn.

Total 36

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Hoven, Kary, Keenan, Mr President, Osmundson, Smith C, Vance, Vuckovich.

Total 13

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 85** - Senator Fitzpatrick moved **SB 85** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

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Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 104** - Senator R. Webb moved **SB 104** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.

Total 44

Nays: Ankney, Brown, Osmundson, Vance, Welborn.

Total 5

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 49** - Senator Cohenour moved **SB 49** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 48

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Nays: Vance.

Total 1

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 81** - Senator Cohenour moved **SB 81** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 45

Nays: Ankney, Esp, Keenan, Vance.

Total 4

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

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Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 32**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 22 failed** as follows:

Yeas: Ankney, Blasdel, Cuffe, Fitzpatrick, Flowers, Gillespie, Hoven, Howard, Jacobson, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Vance, Webb.

Total 20

Nays: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Gauthier, Gross, Hinebauch, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.

Total 29

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 37** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

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Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 77** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.

Total 0

**SB 83** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,



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Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Fielder.  
Total 1

Absent or not voting: None.  
Total 0

**SB 87** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.  
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sesso, Smith F, Vuckovich, Webber.  
Total 17

Paired: None.

Excused: Fielder.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Senator Flowers moved to change his vote on **SB 58** from Not Voting to Yes. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 29, 2019,

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the seventeenth legislative day. Motion carried.

Senate adjourned at 2:03 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate